

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM SHAW,

Plaintiff,

v.

WOODS, et al.,

Defendants.

Case No. 1:20-cv-01087-DAD-EPG (PC)

ORDER VACATING FINDINGS AND
RECOMMENDATIONS (ECF NO. 12)

ORDER GRANTING MOTION FOR
LEAVE TO AMEND (ECF NO. 15)

ORDER DIRECTING CLERK TO FILE
PLAINTIFF'S FIRST AMENDED
COMPLAINT (ECF NO. 16)

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA

William Shaw ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the complaint commencing this action on August 3, 2020. (ECF No. 1). On September 3, 2020, the Court screened the complaint and issued findings and recommendations, recommending that "[t]his case proceed on Plaintiff's Eighth Amendment sexual assault claim against defendant Shearer," and that "Plaintiff's failure to protect claim be dismissed." (ECF No. 12, p. 6).

On September 30, 2020, Plaintiff filed a motion for leave to amend (ECF No. 15), along

1 with a copy of the proposed amended complaint (ECF No. 16).

2 Given that Plaintiff's proposed amended complaint includes additional relevant factual
3 allegations, the early stage of these proceedings, and that "the court should freely give leave [to
4 amend] when justice so requires," Fed. R. Civ. P. 15(a)(2), the Court will grant Plaintiff's
5 motion for leave to amend and vacate the findings and recommendations issued on September
6 3, 2020.

7 Additionally, Plaintiff states that the case should be transferred to the Sacramento
8 Division of the Eastern District of California. (ECF No. 16, p. 2). In his First Amended
9 Complaint, Plaintiff clarifies that the incidents alleged in the complaint occurred at California
10 State Prison, Sacramento (Id. at 1), which is part of the Sacramento Division of the United
11 States District Court for the Eastern District of California.

12 Pursuant to Local Rule 120(f), "[w]henever in any action the Court finds upon its own
13 motion, motion of any party, or stipulation that the action has not been commenced in the
14 proper court in accordance with this Rule, or for other good cause, the Court may transfer the
15 action to another venue within the District." Therefore, the Court will grant Plaintiff's request
16 and transfer this action to the Sacramento Division.

17 Accordingly, based on the foregoing, IT IS ORDERED that:

- 18 1. The findings and recommendations issued on September 3, 2020 (ECF No. 20),
19 are VACATED;
- 20 2. Plaintiff's motion for leave to amend (ECF No. 15) is GRANTED;
- 21 3. The Clerk of Court is directed to file Plaintiff's First Amended Complaint (ECF
22 No. 16);
- 23 4. This action is transferred to the United States District Court for the Eastern
24 District of California sitting in Sacramento; and
- 25 5. All future filings shall refer to the new Sacramento case number assigned and
26 shall be filed at:

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28 \\

United States District Court
Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814

IT IS SO ORDERED.

Dated: October 2, 2020

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE